



# Adult Protective Services

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Department for Aging and Rehabilitative Services  
(DARS)



# Philosophy of APS

- ADVOCATE for the capable adult
- DETERMINE the least restrictive intervention
- PRESERVE the adult's right to make decisions
- RESOLVE the social problems of adult abuse, neglect and financial exploitation
- SUPPORT & STRENGTHEN the adult's informal support system
- CONSIDER LEGAL ACTION only after all other alternatives have been explored

# Goals of APS

- Stop Abuse, neglect and exploitation by protecting the adult with the least restriction of his/her liberty
- Assist the adult in remaining in his/her home as long as possible and appropriate
- Restore independent functioning to the greatest extent possible
- Assist in arranging out of home placement when appropriate, the adult or guardian consents or the court orders emergency placement
- Legal action (involuntary protective services) is a last resort

# Adult Protective Services

- The APS Program is state supervised and locally administered through 119 local departments of Social Services
- Practice is based on policy. Policy is developed in response to the Code of Virginia (state law) and agency regulations.
- Funding is 80% state and 20% local. Unlike child welfare programs, there is no direct federal funding for APS in Virginia or in any other state.

# APS Service Population

Services are provided to:



Adults age 60 and over or 18+ that are incapacitated who have been abused, neglected or exploited, or are at risk of being abused, neglected or exploited without regard to income or resources.

# Incapacitated Person

An adult who is impaired by:

- Mental Illness
- Intellectual Disability
- Physical Illness or Disability
- Advanced Age
- Other Causes



to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions regarding his/her well being

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# Capacity

There are several different definitions of Capacity.

- APS uses the definition described in previous slide
- There is also Legal Capacity for signing documents
- There is also the level of capacity used by judges to determine need for Guardianship. Remember; only as judge can deem someone “incapacitated”.
- When the APS Worker feels the person lacks capacity, this doesn't mean that person has been adjudicated or found by a court to be incapacitated. It is just a determination by the worker that gives APS the authority to validate the report and conduct an investigation and helps determine their right to refuse

# What APS *Cannot* Do

- Force protective services upon an adult who has capacity to refuse services.



# What APS *Cannot* Do

- Take an endangered adult into custody.



- Investigate when the alleged victim is no longer at risk.

# When APS *Cannot Do*

- The fact that APS cannot do some of these things may be upsetting and frustrating to the community members and family who frequently want “something to be done” about the situation.
- Community members and family members may feel that “APS didn’t DO anything” to help their friend, neighbor, loved one.

# Rights of Adults

- Adults with capacity have the right to refuse services even if everyone involved in the case believes that assistance is needed.



# Rights of Adults

- The adult is in charge of decision-making until he or she delegates that responsibility voluntarily to another or the court grants that responsibility to another person.



# Rights of Adults

Adults have the right:

- To be treated with dignity and respect
- To refuse treatment and assistance
- To make their own choices about how and where they will live (self-determination)
- To privacy

*ADULTS HAVE THE RIGHT TO MAKE BAD  
DECISIONS...*

# What *Does* APS Do?

- Receives and evaluates the report for validity
- Investigates all valid reports
- Determines if services are needed
- Provides a wide array of services, if the adult (with capacity) agrees to accept assistance
- Makes a disposition
- Notifies the Reporter that the report has been investigated

# What Else *Can* APS Do?

- Refer a case for prosecution
- Refer a case for regulatory agencies for investigation
- Provide services that enhance the victim's safety
- Strengthen informal and formal support systems
- Obtain emergency, medical or protective orders when needed/warranted
- Can provide legal intervention for Guardianship and/or Conservatorship if

# What is Abuse?

- The willful infliction of physical pain, injury, or mental anguish or unreasonable confinement of an adult (Code of Virginia 63.2-100)
- Indicators: multiple or severe bruising, fractures, over medicated, restrained inappropriately, isolated

# What is Neglect?

- An adult is living under such circumstances that he/she is not able to provide for him/herself or is not being provided services necessary to maintain his/her physical/mental health and that the failure to receive such necessary services impairs or threatens to impair his/her well-being (Code of Virginia 63.2-100)
- Indicators: untreated medical conditions, pressure sores, fecal/urine smell, lack of food, dirt/fleas/lice on the person, soiled bedding/furniture, dehydration

# Self-Neglect

- An adult who is not meeting their own basic needs related to mental/physical impairments. Basic needs refers to food, clothing, shelter, health/medical care.
- This is the MOST common type of APS report that is received and investigated

# What is Exploitation?

- The illegal use of an incapacitated adult or their resources for another's profit or advantage
- The most common type of exploitation is Financial Exploitation
- Indicators: unexplained disappearance of funds, misuse of money or property by another person, change in payee or power of attorney, chronic failure to pay bills

# 2015 Substantiated Reports in Virginia

Type of A/N/E	Number
Self Neglect	5899
Neglect	1839
Financial Exploitation	1016
Physical Abuse	638
Mental Abuse	525
Other Exploitation	202
Sexual Abuse	79
Total	10, 198

# Who are Reporters?

- Voluntary – ANYONE who suspects that a vulnerable adult has been or is at risk of being abused, neglected or exploited shall make a report.
- Mandated – The Code of Virginia requires that certain individuals make a report when they suspect that a vulnerable adult has been or is at risk of being abused, neglected or exploited.
- Self Reports

# Who Are Mandated Reporters?

- Code of Virginia 63.2-1606 requires that certain individuals report suspected cases of abuse, neglect or exploitation
- Required to report IMMEDIATELY
- Any person who fails to report shall be subject to a civil penalty (Code of Virginia 63.2-1606)



# Who Are Mandated Reporters?

A partial list of mandated reporters includes:

- ✓ Doctors
- ✓ Dentists
- ✓ Nurses
- ✓ Guardians
- ✓ Social Workers
- ✓ Law Enforcement
- ✓ Mental Health Professionals



# Who Are Mandated Reporters?

- Any person employed by or contracted with a public or private agency or facility who works with adults in an administrative, supportive or direct care capacity
- Any person providing full, intermittent, or occasional care to an adult for compensation, including but not limited to:
  - Companion
  - Chore
  - Homemaker
  - Personal Care (Home Health) workers

# How to Make an APS Report

- Report suspected abuse, neglect, or exploitation of adults to Adult Protective Services at your local department of Social Services or to the 24 hour, toll-free hotline at:

**1-888-832-3858**  
**(1-888-83ADULT)**

# Rights of ALL Reporters

- Immunity – from Civil and Criminal Liability
- Malicious Reports – Any person 14 years of age or older who makes or causes to be made a report that he (or she) knows to be false shall be guilty of a class 4 misdemeanor. Any subsequent conviction of this provision shall be a class 2 misdemeanor.
- Protecting the Identity of the Reporter – The report and evidence received by the local department and any written findings, evaluations, records, and recommended actions shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom of Information Act

# Eastern Region APS Hotline Numbers

City/County	Intake Number
Accomack	757-787-5395
Brunswick	434-848-2142
Chesapeake	757-382-2008
Dinwiddie	804-469-4524
Franklin City	757-562-8520
Gloucester	804-693-2671
Greensville/Emporia	434-634-6576
Hampton	757-728-2120
Isle of Wight	757-365-0880
James City County	757-259-3115
Mathews	804-725-7192

# Eastern Region APS Hotline Numbers

City/County	Intake Number
Newport News	757-926-6329
Norfolk	757-664-6123
Northampton	757-678-5153 ext. 331
Portsmouth	757-405-1800 ext. 8215
Prince George	804-733-2650
Southampton	757-653-3113
Suffolk	757-514-7458
Surry	757-294-5240
Sussex	434-246-1061
Virginia Beach	757-385-3550
Williamsburg	757-220-6161
York/Poquoson	757-890-3787

# Characteristics of a Valid APS Report

- The adult is 60+ years old or 18+ years old with a disability
- There must be circumstances that describe an allegation of abuse, neglect, or exploitation
- The report must list an address and provide enough information to be able to identify the person of the report
- The agency receiving the report must be the agency of jurisdiction

# 2015 Statistics of Interest

- Total of 22, 658 reports received
- 6, 479 were self reports
- 16, 196 came from other people/professionals
- 14, 675 of the clients lived in their own home
- 2, 602 lived with someone else
- 3, 357 lived in either a Nursing Facility or an Assisted Living Facility

# What to Expect after making the Report

- An unannounced face to face visit is done within the first 5 days of the report. The APS Investigator has 45 days to complete the investigation.
- The investigator is only able to share minimal information with reporters due to confidentiality.
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# APS Dispositions

- Needs Protective Services & Accepts
  - A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred or is occurring; or there is a reason to suspect that the adult is at risk of abuse, neglect and/or exploitation and needs protective services in order to reduce the risk

# APS Dispositions

- Needs Protective Services and Refuses
  - A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred or is occurring; or there is a reason to suspect that the adult is at risk of abuse, neglect and/or exploitation. However, at the time the investigation was completed, the adult refuses to accept services and does not lack capacity to consent to services. The case will be closed.

# APS Dispositions continued...

- Need for Protective Services No Longer Exists
  - The subject of the report no longer needs protective services. A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred. However, at the time the investigation is initiated, or during the course of the investigation the person who is the subject of the report ceases to be at risk of further abuse, neglect and/or exploitation.

# APS Dispositions continued...

- Unfounded
  - A review of the facts does not show enough evidence to suspect that abuse, neglect, and/or exploitation has occurred or that the adult is at risk of abuse, neglect and/or exploitation.
  - This disposition can also be used if a worker is unable to make contact with the subject of the investigation or if there is another reason that the investigation is unable to be completed

# Challenges

- There is an increase in reports each year and the trend is expected to continue.
- No study has been done in Virginia on underreporting of adult abuse, neglect, or exploitation.
- Illness, frailty, or dementia may mask abuse or neglect.
- Social isolation increases risk and difficulty of identifying mistreatment.
- Stereotypes about aging and death.
- Reluctance to interfere or get involved in a family matter, especially financial

# More Challenges...

- “Community Integration” of seriously mentally ill individuals if adequate community support services are not in place.
- Lack of education about adult abuse, neglect, and exploitation – includes law enforcement and judicial system.
- Stereotypes about disabilities.
- Demographics: The Boomers are not coming, they are here! 25% of all Virginians will be 60+ in 2020, like Florida today.
- Lack of resources to provide needed services.

# Adult Services/Adult Protective Services

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